

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

SINGULAR COMPUTING LLC,

Plaintiff,

v.

GOOGLE LLC

Defendant.

Civil Action No.: 1:19-cv-12551 FDS

DEFENDANT'S ASSENTED TO MOTION TO SEAL

Pursuant to Local Rule 7.2 and the Protective Order in this case (“Protective Order”), ECF No. 74-1, Defendant Google LLC (“Google”) respectfully requests that this Court impound (seal): (i) Defendant Google LLC’s Opposition to Plaintiff’s Motion to Compel Inspection, Testing and Source Code of the Accused Products (“Opposition”), and (ii) certain exhibits attached to the Declaration of Deeva Shah in Support of Google’s (ECF No. 295) (“the Shah Declaration”). The exhibits to be sealed are identified below. Redacted public versions of both the Opposition and the exhibits to be sealed will be filed concurrently with this Motion to Impound.

The Protective Order allows a party producing documents in discovery to designate documents as “Confidential” after making a good-faith determination that the documents contain information that is “confidential, proprietary, and/or commercially sensitive information,” and to designate documents as “Highly Confidential – Attorneys’ Eyes Only” after making a good-faith determination that the documents contain information that is extremely confidential and/or sensitive in nature and the disclosure of such documents is likely to cause economic harm or significant competitive disadvantage. Protective Order ¶¶ 6-7. That Order requires that a party intending to make court filings referring to such Protected Material bring a motion to impound. *Id.* ¶ 14. The following exhibits to the Shah Declaration contain information that Google has designated as containing “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” information or are correspondence between counsel quoting such material:

- **Exhibit 2** is a true and correct copy of correspondence between Deeva Shah and Kevin Gannon, dated March 1, 2021.
- **Exhibit 6** is a true and correct copy of an email thread between Matthias Kamber and Brian Seeve, dated July 8-9, 2021.
- **Exhibit 7** is a true and correct copy of correspondence from Brian Seeve to Matthias Kamber, dated July 22, 2021.
- **Exhibit 8** is a true and correct copy of correspondence from Matthias Kamber to Brian Seeve, dated July 23, 2021.

- **Exhibit 9** is a true and correct of a Declaration of a Google employee in support of Google's Opposition to Singular's Motion.

Further, Google's Opposition quotes from and/or discusses excerpts of the above exhibits that have designated as containing "Confidential" or "Highly Confidential – Attorneys' Eyes Only information." Accordingly, a redacted, public version of Google's Opposition will be filed concurrently with this Motion to Impound.

For the foregoing reasons, Google respectfully requests that the Court permit it to file the above-identified exhibits as well as Google's Opposition under seal. Google further requests that the documents remain impounded until further order by the Court, and that upon expiration of the impoundment that the documents be returned to Google's counsel. Google will file redacted public versions of the exhibits as well.

Dated: August 6, 2021

Respectfully submitted,

By: /s/ Nathan R. Speed
Gregory F. Corbett (BBO #646394)
gregory.corbett@wolfgreenfield.com
Nathan R. Speed (BBO # 670249)
nathan.speed@wolfgreenfield.com
Elizabeth A. DiMarco (BBO #681921)
elizabeth.dimarco@wolfgreenfield.com
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, MA 02210
Telephone: (617) 646-8000
Fax: (617) 646-8646

Robert Van Nest (*admitted pro hac vice*)
rvannest@keker.com
Matthias Kamber (*admitted pro hac vice*)
mkamber@keker.com
Michelle Ybarra (*admitted pro hac vice*)
myabarra@keker.com
Jay Rapaport (*admitted pro hac vice*)
jrapaport@keker.com
Andrew Bruns (*admitted pro hac vice*)
abrun@keker.com
Anna Porto (*admitted pro hac vice*)

aporto@keker.com
Deeva Shah (*admitted pro hac vice*)
dshah@keker.com
KEKER, VAN NEST & PETERS LLP
633 Battery Street
San Francisco, CA 94111-1809
(415) 391-5400

Michael S. Kwun (*admitted pro hac vice*)
mkwun@kblfirm.com
Asim Bhansali (*admitted pro hac vice*)
abhansali@kblfirm.com
KWUN BHANSALI LAZARUS LLP
555 Montgomery Street, Suite 750 San
Francisco, CA 94111
(415) 630-2350
Counsel for Defendant Google LLC

LOCAL RULE 7.1(a)(2) CERTIFICATION

I, Nathan R. Speed, counsel for Defendant, hereby certifies that counsel for Defendant conferred with Plaintiff's counsel in a good-faith attempt to resolve or narrow the issue raised by this motion. Plaintiff's counsel indicated that it assents to the relief requested in this motion.

/s/ Nathan R. Speed
Nathan R. Speed

CERTIFICATE OF SERVICE

I hereby certify that on this date, the foregoing pleading was served upon the attorneys of record for all parties by electronically filing the foregoing pleading with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to registered attorneys of record.

Dated: August 6, 2021

/s/ Nathan R. Speed
Nathan R. Speed